

REMARKS

Reconsideration and allowance of this application are respectfully requested.

Claims 141, 144-162 and 166-172 are pending in the above-referenced application. The Office has required Applicant to elect one of the claimed neoplasia disorders in claims 146-154. The Office alleges that each disorder constitutes a unique special feature because each present unique symptoms.

Applicants provisionally elect, with traverse, lung cancer. Applicant reserves the right to file one or more divisional applications directed to the non-elected subject matter in this application.

Applicants traverse the Office's rejection on the grounds that it is improper and an abuse of discretion because prosecution of the restricted subject matter in one application would not place a serious burden on the Examiner. M.P.E.P. § 803. According to M.P.E.P. § 803 the Examiner can only restrict patentably distinct inventions when (1) the inventions are independent or distinct as claimed and (2) where there is a serious burden on the Examiner if restriction is not required.

Applicants respectfully submit that the Office has made no showing that prosecuting the claims of the invention in one application would be burdensome. Applicants therefore submit that the Office's requirement of restriction is improper.

In view of the above, Applicants submit that the restriction requirement is improper and respectfully requests that the Office withdraw the restriction requirement.

In addition, the Office has indicated that certain species in claim 145 appear to be indefinite. Further, the Office indicates that claims 163-165 and 173-174 appear to be duplicative. Without prejudice and in the interests for facilitating prosecution, Applicant have amended claim 145 and cancelled claims 163-165 and 173-174.

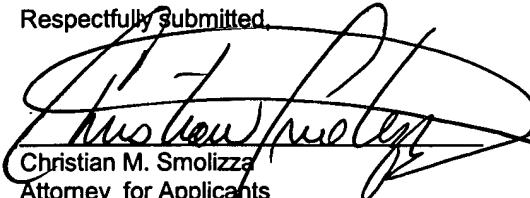
CONCLUSION

In view of the remarks and amendments, the application is in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited.

Date:

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Respectfully submitted,



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